

JUDGE CONNER

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

JESSIE FELLER,

Plaintiff,

-against-

VASSAR COLLEGE,

Defendant.

05 CV 7439

Case No.:

**COMPLAINT AND  
JURY DEMAND**

Plaintiff, JESSIE FELLER, by her attorneys, Sheriff & Fink, P.C., for her Complaint and Jury Demand, respectfully alleges:

**PARTIES**

1. Plaintiff JESSIE FELLER is a citizen of the State of California.
2. Upon information and belief, Defendant VASSAR COLLEGE is a domestic business corporation with its principal place of business in the State of New York.
3. Upon information and belief, Defendant VASSAR COLLEGE is a foreign corporation with its principal place of business in the State of New York.
4. Upon information and belief, Defendant VASSAR COLLEGE is a domestic not for profit corporation with its principal place of business in the State of New York.
5. Upon information and belief, Defendant VASSAR COLLEGE is a foreign not for profit corporation with its principal place of business in the State of New York.
6. Upon information and belief, Defendant VASSAR COLLEGE is an unincorporated entity with its principal place of business in the State of New York.

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U.S. DISTRICT COURT  
NEW YORK CITY

**SUBJECT MATTER JURISDICTION**

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds Seventy-Five Thousand Dollars exclusive of interest and costs and there is diversity of citizenship between the parties.

**IN PERSONAM JURISDICTION AND VENUE**

8. Plaintiff JESSIE FELLER repeats each allegation contained in paragraphs 1-7.

9. Upon information and belief, Defendant VASSAR COLLEGE committed tortious acts within the State of New York causing injury to Plaintiff within the Southern District of New York.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(2) because the Accident that gave rise to the claims occurred in the State of New York, Southern District of New York.

**FOR A FIRST CLAIM**  
**PLAINTIFF JESSIE FELLER**

11. Plaintiff JESSIE FELLER repeats each allegation contained in paragraphs 1-10

12. Upon information and belief, at all relevant times, Defendant VASSAR COLLEGE owned, leased, operated, managed, maintained, and/or controlled a dormitory known as Raymond House located on the campus of Vassar College in the City Poughkeepsie, County of Dutchess, and State of New York ("the Dorm").

13. Upon information and belief, on or prior to September 1, 2002, Defendant VASSAR COLLEGE, its employees and/or agents, cleaned the windows located within the Dorm.

14. Upon information and belief, on or prior to September 1, 2002, Defendant VASSAR COLLEGE, its employees and/or agents, cleaned a window (the "Window") located within room 134 of the Dorm.

15. Upon information and belief, in order to clean the aforementioned Window, Defendant VASSAR COLLEGE, its employees and/or agents removed and/or moved a pane of said Window.

16. Upon information and belief, Defendant VASSAR COLLEGE, its employees and/or agents, did not properly replace and/or return the pane to its proper position within the Window.

17. On September 1, 2002 at approximately 5:00 p.m., Plaintiff JESSIE FELLER was lawfully in room 134 of the Dorm.

18. On September 1, 2002 at approximately 5:00 p.m. the pane fell on Plaintiff JESSIE FELLER's head and body (the "Accident").

19. As a result of the Accident, Plaintiff JESSIE FELLER, sustained severe and serious personal injuries and was required to seek and obtain medical care and attention in an effort to cure and/or alleviate the injuries and, upon information and belief, will be compelled to continue such treatment in the future.

20. The Accident and injuries sustained by Plaintiff JESSIE FELLER were caused solely by the negligence and carelessness of Defendant VASSAR COLLEGE in the ownership, operation, management, use, and/or control of the Dorm and the Window

21. The Accident occurred solely as a result of the negligence of Defendant VASSAR COLLEGE without any negligence on the part of Plaintiff JESSIE FELLER contributing thereto.

22. As a result of the Accident, Plaintiff JESSIE FELLER has been damaged in the amount of One Million Dollars (\$1,000,000.00).

WHEREFORE, Plaintiff demands judgment against Defendant VASSAR COLLEGE on the first claim in the sum of One Million Dollars (\$1,000,000.00), together with costs and disbursements of this Action.

Dated: New York, New York  
August 23, 2005

BY:

CHEIRIFF & FINK, P.C.

KENNETH S. FINK (KSF-8325)

Attorneys for Plaintiff

JESSIE FELLER

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